

U.S. DISTRICT COURT
NORTH DISTRICT OF TEXAS
FILED
MAY 15 2004
CLERK, U.S. DISTRICT COURT
By _____ Deputy

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determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The magistrate judge concluded that the petition should be dismissed as a successive petition filed without authorization from the United States Court of Appeals for the Fifth Circuit. See 28 U.S.C. § 2244(b)(1). Petitioner admits that he filed a previous § 2254 petition and makes no specific objections to the magistrate's proposed FC&R. Instead, he reargues the original grounds on which his petition is based.

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed pursuant to 28 U.S.C. § 2244(b)(1).

SIGNED May 15, 2008.



JOHN MCBRYDE
United States District Judge